

DCLU DIRECTOR'S REPORT AND RECOMMENDATION

PERMITTING PROVISIONS FOR MONORAILS

JUNE 16, 2003

Summary of Recommendations

The Department of Design, Construction and Land Use (DCLU) and the Seattle Department of Transportation (SDOT) are proposing amendments to the Seattle Municipal Code (SMC) Title 23, Land Use Code, and Title 15, Street and Sidewalk Use, to put into place a permitting structure for monorail transit facilities. The amendments divide permitting and approval responsibility between DCLU and SDOT. The proposed ordinance further specifies how development standards would apply to monorail transit stations and other monorail transit facility elements.

Proposed changes to Title 15 (Street and Sidewalk Use) provide that SDOT would review for approval all monorail guideways. Monorail guideways are the columns and beams on which monorail trains would ride, and the guideways would be located either in City of Seattle street rights-of-way or on separate rights-of-way acquired by the Seattle Popular Monorail Authority (commonly called the Seattle Monorail Project or SMP). Only monorail guideways along an alignment approved by the Seattle City Council could be permitted.

The proposed changes to Title 23 (the Land Use Code) provide that DCLU would review for approval all other monorail transit facilities, which would include monorail transit stations, monorail operations centers, and other facilities such as monorail power substations. DCLU would also review all facilities (including guideways) for compliance with SMC Chapter 23.60, the City Shoreline Master Program. Like light rail facilities, monorail transit facilities would be classified as essential public facilities in Chapter 23.80 of the Land Use Code, and the same general permit review criteria as for other essential public facilities would apply.

As a public transit use in rights-of-way, development standards would not apply to monorail guideways. For monorail stations, DCLU would be authorized to permit waivers to development standards where necessary to achieve consistency with City Council approval of the transit system alignment and location.

To encourage the location of monorail transit stations outside of public rights-of-way, the proposed legislation would exempt monorail transit stations from floor area ratio (FAR) limits in those zones subject to FAR limits.

Background

Following passage of an initiative in 2002, providing for City funding for the Elevated Transportation Authority (ETA) to prepare a monorail transit plan for Seattle that would be submitted to the voters, the Washington State Legislature enacted RCW Chapter 35.95A, which

allows voters to create a city transportation authority. A city transportation authority is a municipal corporation that has the power to "perform a public monorail transportation function" within the boundaries of a city.

In July 2002, the City of Seattle expressed its intent in Resolution 30486 to facilitate fast, coordinated and cost-effective construction of a Seattle monorail system, if a monorail plan were approved by the voters.

In August 2002, the ETC adopted the Seattle Popular Monorail Plan, which is a plan for a city-wide monorail system. The plan identifies a number of potential monorail corridors throughout the City of Seattle that would serve Seattle neighborhoods. The plan describes in more detail the Phase One monorail line (commonly known as the Green Line). The Green Line would be located on a 14-mile route from Ballard through downtown Seattle to West Seattle. Prior to adoption of the Seattle Popular Monorail Plan, the ETC prepared and published an environmental impact statement (EIS). That EIS evaluated alternatives and significant environmental impacts that could result from both the city-wide Plan and from the location of the Green Line in the Phase One corridor.

In the November 2002 election, the ETC Plan was presented to the Seattle voters, who passed Seattle Citizen Petition No. 1. Petition No. 1 created the Seattle Popular Monorail Authority (known as the "Seattle Monorail Project"), required the new agency to adopt the Seattle Popular Monorail Plan, and approved funding for the Green Line as described in the Plan.

Since the election, the City has entered into an Agreement for Intergovernmental Cooperation with respect to review and planning for the Green Line.

Analysis

The proposed Code amendments do not approve any particular monorail facility but establish the permitting framework for reviewing and approving permits that would allow the construction of a monorail system. This is true not only for the Green Line, which is the subject of project-level planning at this time, but also for other potential future monorail lines that may be approved for funding.

FAR Exemption

The proposed amendments would amend the limits on floor area of new development in Commercial, Downtown and Industrial zones respectively. The Land Use Code regulates development density in those zones based on a floor area ratio (FAR). FAR is the ratio between the allowable gross floor area of a structure and the lot area on which the structure is proposed.

In **Commercial zones** where heights of 85 feet or greater are permitted, new development is governed by FAR limits. Generally, these FAR limits were intended to promote mixed use development. Exemptions to the chargeable floor area in these zones include all gross floor area below grade and all floor area used for accessory parking. The proposal would exempt monorail station floor area from chargeable floor area. However, all floor area associated with retail sales

or service or other uses to which the public's access is controlled or limited would not be exempted. The impacts to overall development density would not be significant on a City-wide scale because monorail stations would be infrequent in commercial zones. For example, no more than two Green Line monorail stations are likely to be located in a commercial zone with allowable heights of 85 feet or greater (where FAR limits would be imposed).

In most **downtown zones**, given the intensity and scale of development, density is regulated by FAR. Exemptions of floor area from FAR calculations include human service uses, child care, all residential uses (except in PMM and DH2 zones), museums, floor area below grade, and others. Generally, exempted floor area is frequently occupied by uses that are encouraged downtown and for which developers frequently gain a development bonus. No significant change in total development capacity in downtown zones would be expected from this change. The exemption of monorail station floor area from FAR calculations would encourage the incorporation of monorail stations into new or existing development. This, in turn, would encourage the location of monorail stations outside public rights-of-way, where impacts on light and air would be greater.

Industrial development in **industrial zones** is similarly regulated with respect to FAR. Height limits do not apply to industrial development; only an FAR limit establishes the development potential of an industrial site. Exemptions to FAR calculations are similar to other zones, including all gross floor area below grade, all gross floor area for accessory parking, and all gross floor area for rooftop mechanical equipment. As with commercial zones, the impacts of allowing an exemption from FAR for monorail stations would not be significant on a City-wide basis. Allowing the exemption would not significantly discourage industrial development potential in industrial zones, and it would encourage the location of monorail stations outside public rights-of-way where feasible.

Master Use Permits

The proposed legislation would amend the Land Use Code to provide that permit decisions for monorail stations and operation centers would be discretionary master use permit (MUP) decisions, which are appealable to the City's Hearing Examiner. This is appropriate because these monorail uses will be subject to potential conditions from design review, after recommendations from the Design Commission or Monorail Review Panel, and will be prominent structures in their neighborhoods with likely, significant community interest in the outcome of permit decisions.

Provisions applicable to essential public facilities in the Land Use Code would be amended to provide a permitting system for monorail transit facilities. The same general permit criteria in SMC 23.80.004.A applicable to other essential public facilities would apply to new monorail transit facilities. The new subsection directly applicable to monorail facilities would contain the following provisions:

- Monorail transit facilities would be permitted in all zones, but DCLU would review applications and issue permits for monorail facilities only if the monorail guideway alignment, monorail station locations, and any monorail operations center location had been approved by the City Council.

- DCLU would review monorail stations for Master Use Permit approval.
- The Director of the Department of Transportation would review for approval all monorail guideways (which include support columns and foundation structures) only if the monorail guideway alignment had been approved by the City Council..
- DCLU would review for approval all facilities (including guideways) subject to SMC Chapter 23.60, the Shoreline Master Program.
- Development standards could be waived or modified by DCLU and the Director of Transportation where necessary to achieve consistency with the terms of the City Council's approval of the guideway alignment and locations of the other monorail facilities.

Development standards generally applicable to development in most zones may not be appropriate or feasible for monorail systems. If, for example, a station were proposed in a zone with required setbacks from a City street, and if the Council approved that station location after design review, the street setback requirement could effectively separate the station from the monorail guideway in the public right-of-way. Setbacks from the street are also sometimes required by the landscaping provisions of commercial and industrial zones, which may separate monorail guideways from the passengers at stations that the transit system is designed to serve. If the Council determined that the station was appropriate in that location, DCLU would then have authority to waive development standards necessary to make the DCLU-issued MUP consistent with the Council's approval to locate the station accordingly.

Monorail stations may also be proposed where the height limit is less than 65 feet. SDOT will require a certain clearance below the monorail guideway. Depending on the nature of the uses anticipated below the guideway, this clearance could be as much as 22 feet. Given such a guideway clearance requirement, and given that stations will have to be built above guideways, a monorail station could exceed the 30- or 40-foot height limits applicable in certain zones.

In addition, the SMP believes that the preferable urban design for stations in most zones will likely be stations that are vertically-arranged or stations with mezzanines. According to the SMP, vertically-arranged stations would have smaller footprints than side-loading or center-loading stations, and could potentially fit better into the fabric of a neighborhood. The SMP also believes that such stations would also create the need for less private property acquisition than other station types that could be located outside the right-of-way.

According to the SMP, from an urban design standpoint, stations with mezzanines would generally be preferable at some station locations because they require only one stationhouse, and because passenger way-finding is easier (and station size is smaller) if both train directions can be accessed from the same mezzanine area. Both vertically-arranged stations and mezzanine stations, however, would likely be 56 to 60 feet to the top of the passenger-sheltering roof. One solution for areas where lots are zoned with maximum heights of under 65 feet would be to not construct 56- to 60-foot tall stations on lots, but rather to construct those 56- to 60-foot tall stations in the middle of the street where the City does not impose development standards. Although a street-spanning, middle-of-the-street station may work well at some locations, in most locations, the SMP believes that the more desirable urban design could well be a vertically-arranged station immediately adjacent to the street, or a mezzanine station on a lot adjacent to the

street. In the opinion of DCLU and SDOT, the better solution would be to allow the Council to decide, when approving the location of stations after project-specific environmental review and after design review, that stations could be located in particular locations, of a particular style, and at a particular height. If a vertically-arranged station, for example, were decided by Council to be appropriate in a particular location, then that station could be up to 65 feet or the height of the underlying zone, whichever was greater. This approach for permitting would allow consideration of all reasonable urban design alternatives and allow selection of the best station design alternative for the neighborhood being served by a monorail system.

Definitions

New definitions would be added to the Land Use Code for monorail guideway, monorail transit facility, monorail transit station, and monorail transit system. The separate definitions for monorail guideway and monorail station are necessary to separate out the core transportation corridor use, which is the guideway along which the monorail trains will travel, to be reviewed by SDOT, from the use and facilities, such as stations and operations/maintenance centers, to be reviewed and permitted by DCLU. The definition of a monorail transit facility incorporates those monorail facilities to be permitted by DCLU, including power substations. Power substations are relatively small utility service uses, which are generally no larger than 1500 square feet and may be smaller. Power substations might be located in stations or may be located at sites along the monorail guideway where power delivery for the guideway is required.

Further amendment to the existing definition of "passenger terminal" would clarify that monorail stations, like Metro bus stops and light rail transit stations, are not "passenger terminal" uses. An amendment to the definition of "essential public facility" would incorporate monorail transit systems.

Street and Sidewalk Use

Amendments to Title 15, Street and Sidewalk Use, would add a new chapter to specify that the Director of Transportation will review for approval monorail guideways. Monorail guideway approvals would have to be along an alignment approved by the City Council. Adding this new chapter to Title 15 would clearly allow the Director of Transportation to approve monorail guideways outside City rights-of-way.

Recommendation

DCLU recommends adopting the proposed changes to the Title 23 and Title 15.